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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILEB-204077

DATE: September 22, 1981

MATTER OF: Cushman Electronics, Inc.

DIGEST:

Protest of alleged solicitation improprieties apparent on face of solicitation, is untimely where not filed prior to closing date for receipt of proposals.

Cushman Electronics, Inc., protests any award under request for proposals (RFP) No. 41608-81-R-3444 issued by the Air Force. The solicitation is for frequency selection test systems, which are used to test and calibrate various types of precision measuring equipment.

Cushman contends that the procurement of a separate synchronized signal generator is unnecessary and that the RFP does not include a requirement for real time spectrum display, even though this is needed by the using command. Cushman also complains that a "prejudiced engineer" at the procuring activity has been made the sole judge of the using activity's needs and that the procuring activity has not responded to Cushman's request for a survey of the personnel in the field to determine their actual needs.

Cushman's allegations relate to defects apparent on the face of the solicitation. Our Bid Protest Procedures require that protests based on alleged improprieties in a solicitation, which are apparent prior to the closing date for receipt of proposals, be filed either with the agency or our Office prior to such date. 4 C.F.R. § 21.2 (1981).

The Air Force advises that the closing date for receipt of proposals in this case was May 15, 1981. The record shows that Cushman met with Air Force officials on May 28, 1981 to discuss the solicitation requirements and filed written objections to those requirements by letter of June 2, 1981. Cushman's protest to this Office was received on July 17, 1981. Since Cushman's protest

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was not filed with the agency or this Office prior to the closing date for receipt of proposals, it is untimely and will not be considered on the merits.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel